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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,368	06/15/2001	Amir Aliabadi	INFS117535	6711

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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/882,368

Applicant(s)

ALIABADI ET AL.

Examiner

Matthew S. Gart

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/29/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Prosecution History Summary*

Claims 2 and 5 have been canceled. Claims 1, 3-4 and 6-17 are pending in the instant application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1, 3-4 and 6-17 are rejected under 35 U.S.C. 112, first paragraph.**

Referring to claims 1, 3-4 and 6-17. Claims 1, 3-4 and 6-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 was amended to recite retrieving and providing product data from a plurality of "website domains." Nowhere does the specification as originally filed disclose retrieving and providing product data from a plurality of "website domains."

Referring to claims 14-15. Claims 14-15 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for a claim covering every conceivable means for achieving the recited method as set forth in any of claims 1-13. The specification does not enable any person skilled in the art to

which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

The Examiner notes, in *Fiers v. Revel*, (CAFC) 25 USPQ2d 1601, 1606 (1/19/1993), the CAFC affirmed a rejection under 35 USC 112 of a claim reciting a single element that did not literally use “means-plus-function” language.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 14 and 15 are rejected under 35 U.S.C. 112, second paragraph.**

Referring to claims 14-15. Claims 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14 and 15 are directed towards a method without setting forth any steps involved in the method. Claims 14-15 merely recite a use without any active positive steps delimiting how this use is actually practiced. Ex parte Erlich, 3 USPQ2d 1011 (Bd. Pat. App. & Inter. 1986).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-4 and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki (U.S. Patent No. 6,125,353) in view of Musgrove (U.S. Patent No. 6,725,222).**

Referring to claim 1. Yagasaki discloses a computer-implemented method for collecting product data to facilitate at least one of searching, viewing and purchasing of products at a single shopping website, comprising:

- Retrieving, by a host computer, product data from a plurality of websites (Yagasaki: at least Fig. 6, "Product Description URL") associated with providers (Yagasaki: at least Fig. 4), wherein said product data is to be provided to a user (Yagasaki: at least Fig. 7);
- Creating a normalized data feed from said product data (Yagasaki: at least column 7, lines 28-48);
- Determining a source of said normalized data feed, wherein said source is at least one of suppliers and said providers (Yagasaki: at least column 7, lines 28-48);
- Parsing said normalized data feed into categorized data elements to determine when a category exists in a product table which corresponds to a categorized

data element (Yagasaki: at least column 8, lines 28-54), wherein said categorized data element is added to a buffer table when said category does not exist and said categorized data element is integrated with stored product data within said product table when said category exists to create integrated data (Yagasaki: at least Fig. 9); and

- Providing said integrated data to said user such that said user may utilize a single shopping website to search for, compare prices and order said products, wherein said products are associated with said product data from a plurality of said websites, wherein each of said websites may be associated with a different provider (Yagasaki: at least Fig. 7 and Fig. 8).

Yagasaki does not expressly disclose retrieving and providing product data from a plurality of website domains. However Yagasaki does disclose a product master table 33, which stores information on online products, where each data entry is identified by a unique product code. More specifically, each product is defined by its product name, unit price, Uniform Resource Locator (URL) of product description screen, store code, first category code #1, and second category code #2. The product description URL shows the address of an HTML document that describes the specification of each product (Yagasaki: at least column 5, lines 53-67). Musgrove discloses retrieving and providing product data from a plurality of website domains, whereby a user can select products for purchase from plural merchant servers by examining product information stored on a shopping server (Musgrove: at least Abstract).

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the method of Yagasaki to have included the teachings of Musgrove in order to seamlessly integrate plural on-line merchants into a single shopping interface (Musgrove: at least column 3, lines 28-29).

Yagasaki in view of Musgrove do not expressly disclose retrieving, by a host computer, product data from a plurality of websites associated with a plurality of at least of affiliated and non-affiliated providers. The Examiner notes, this difference is only found in the nonfunctional descriptive material and does not alter how the retrieving step is to be performed to achieve the utility of the invention. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F. 2d, 1381, 217 USPQ 401, 404 (Fed. Cir. 1983).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to retrieve information from any type of provider, because such provider type does not functionally relate to the steps in the method claimed.

Referring to claim 3. Yagasaki further discloses a method wherein said parsing comprises matching product producer names and product producer product identifiers from said categorized data elements to product producer names and product producer identifiers from said stored product data (Yagasaki: at least Fig. 6).

Referring to claim 4. Yagasaki further discloses a method wherein said parsing comprises matching product SKUs from said categorized data elements to product SKUs in said stored product data (Yagasaki: at least Fig. 8: "Product Code").

Referring to claim 6. Yagasaki further discloses a method wherein said providers comprise at least one of merchants and canonical suppliers (Yagasaki: at least Fig. 4).

The Examiner notes, the type of supplier does not contribute structurally to the claimed device since the type of supplier is not related to how the method is being performed. The type of supplier can be categorized as non-functional descriptive language and is given little patentable weight.

Referring to claim 7. Yagasaki further discloses a method comprising indexing said stored product data and forwarding said indexed stored product data to at least one searchable database (Yagasaki: at least Fig. 7: "Product Search").

Referring to claim 8. Yagasaki further discloses a method wherein said at least one searchable database has at least one mirrored database (Yagasaki: at least column 5, lines 53-67).

Referring to claim 9. Yagasaki further discloses a method wherein said indexed stored product data comprises index meta-data and indexed data (Yagasaki: at least column 5, lines 53-67).

Referring to claim 10. Yagasaki further discloses a method wherein said at least one searchable database is load balanced with at least one mirrored database (Yagasaki: at least column 5, lines 53-67).



Referring to claim 11. Yagasaki further discloses a method comprising updating at least one priced products database with said stored product data (Yagasaki: at least claim 5).

Referring to claim 12. Yagasaki further discloses a method comprising examining said buffer and determining that at least one entry in said buffer contains product data which may be entered with said stored product data (Yagasaki: at least claim 5).

Referring to claim 13. Yagasaki further discloses a method comprising categorizing said at least one entry (Yagasaki: at least Fig. 6).

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth in claims 1, 3-4 and 5-13.

Referring to claim 15. Claim 15 is rejected under the same rationale as set forth in claims 1, 3-4 and 5-13.

Referring to claim 16. The method further comprising

- Parsing said product data according to data types to determine, by said host computer, whether a second portion of said product data may not be added to said stored product data within said database (Yagasaki: at least column 8, lines 28-54); and
- Adding said second portion to a buffer (Yagasaki: at least column 8, lines 28-54).

Referring to claim 17. The method wherein one of said data types includes at least one of product description, price, merchant information, manufacturer information, and image (Yagasaki: at least Fig. 6).

***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-4 and 6-17 have been considered but are moot in view of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG  
Primary Examiner  
April 21, 2006